

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GARY SCHWAM,

Plaintiff,

v.

Civil Action No. 3:12cv509 (DJN)

**ZALE DELAWARE, INC.
d/b/a ZALE'S JEWELERS,**

Defendant.

DISCOVERY PLAN REGARDING ELECTRONIC DISCOVERY

Pursuant to the Court's October 22, 2012 Scheduling and Pretrial Order (ECF 17), counsel in the above-captioned matter have conferred and submit the following proposed Discovery Plan regarding Electronic Discovery.

1. A determination of what electronic discovery will be sought by any party regarding any issues.

The parties agree to retain all such relevant information for the duration of the case and that Electronically Stored Information may be produced in .pdf, printed or hard copy form. However, the receiving party expressly requests in writing that particular records be produced electronically, they will be produced in their native format.

2. What electronic retention and retrieval systems are in use by the responding party.

The parties agree to retain all such relevant information for the duration of the case.

3. Whether agreement can be reached as to the need for preservation of relevant electronic data with a prescribed disclosure method and schedule.

The parties agree to retain all such relevant information for the duration of the case and that Electronically Stored Information may be produced in .pdf, printed or hard copy form. However, the receiving party expressly requests in writing that particular records be produced electronically, they will be produced in their native format.

4. Whether agreement can be reached addressing any privilege issues, including non-waiver and clawback provisions.

The parties discussed issues relating to claims of privilege or work product protection and have agreed to produce a privilege log identifying generally the document and the privilege asserted for all documents protected by the asserted privilege(s). However, no party will be required to put on the privilege log documents that chronicle communications between the parties and their respective counsel made in relation to or in anticipation of this litigation if such documents were generated after the initiation of this action. Inadvertent production of privileged material shall remain governed by Fed. R. Evid. 502(b).

5. Whether there is a need for the designation by each party of an individual to act as a liaison for the party as to all electronic discovery.

The parties do not believe there is a need for the designation by each party of an individual to act as a liaison.

6. The possible need for periodic case management conferences to address any new issues and to ensure compliance with what has been agreed upon or order by the Court.

The parties do not believe there is a need for periodic case management conferences.

GARY SCHWAM

By: /s/ Andrew J. Guzzo
Of Counsel

Kristi C. Kelly (VSB # 72791)
Andrew J. Guzzo (VSB # 82170)
Counsel for Plaintiff
Surovell, Isaacs, Petersen & Levy, PLC
4010 University Drive, Second Floor
Fairfax, Virginia 22030
Telephone: (703) 251-5400
Facsimile: (703) 591-9285
E-mail: kkelly@sipfirm.com
E-mail: aguzzo@sipfirm.com

Leonard A. Bennett (VSB # 37523)
Counsel for Plaintiff
Consumer Litigation Associates, P.C.
763 J. Clyde Morris Blvd. 1-A
Newport News, Virginia 23601
Telephone: (757) 930-3660
Facsimile: (757) 930-3662
E-mail: lenbennett@clalegal.com

**ZALE DELAWARE, INC. d/b/a
ZALES JEWELERS**

By: /s/ Elizabeth S. Flowers
Of Counsel

John C. Lynch (VSB # 39267)
Elizabeth S. Flowers (VSB #78487)
Counsel for Defendant
TROUTMAN SANDERS LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462
Telephone: (757) 687-7765
Facsimile: (757) 687-1504
E-mail: john.lynch@troutmansanders.com
E-mail: liz.flowers@troutmansanders.com

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of October, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which then sent a notification of such filing (NEF) to the following:

Counsel for Plaintiff Gary Schwam

Kristi C. Kelly (kkelly@sipfirm.com)
Andrew J. Guzzo (aguzzo@sipfirm.com)
Surovell, Isaacs, Petersen & Levy, PLC
4010 University Drive, Second Floor
Fairfax, Virginia 22030

Leonard A. Bennett (lenbennett@clalegal.com)
Consumer Litigation Associates, P.C.
763 J. Clyde Morris Blvd. 1-A
Newport News, Virginia 23601

/s/ Elizabeth S. Flowers

Elizabeth S. Flowers (VSB #78487)
Counsel for Defendant
TROUTMAN SANDERS LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462
Telephone: (757) 687-7537
Facsimile: (757) 687-1546
E-mail: liz.flowers@troutmansanders.com